

may 4, 1949

MEMORANDUM

ON REDEVELOPMENT NONDISCRIMINATION

From the Board of Directors, Council for Civic Unity of SF

4 May 1949

THE COUNCIL FOR CIVIC UNITY of San Francisco has proposed to the Board of Supervisors of the City and County of San Francisco an ordinance and a resolution intended to prevent discrimination or segregation on account of race, creed, color, or ancestry in the use of land to be acquired and sold or leased by the City's Redevelopment Agency under the State Community Redevelopment Act of 1945.

These measures have the following main provisions:

THE ORDINANCE declares that since creation of redevelopment projects is made possible through public aid and powers, the right to buy, lease, use, occupy land in such projects without discrimination or segregation based on race, color, creed, or ancestry is a civil right; finds that such discrimination condemns large groups of inhabitants to depressed living conditions, causes grave injury to the general welfare and good order of the community, endangers the public health, and burdens the public revenues for the relief of such conditions; finds that such discrimination in the city's redevelopment program would tend to frustrate the purpose of the State Community Redevelopment Act by "causing the very conditions which it is intended to remove;" prohibits such discrimination or segregation by any person, corporation, or association participating in the redevelopment program, any such act constituting a misdemeanor punishable by limited fine or imprisonment.

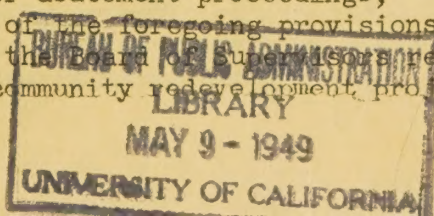
THE RESOLUTION sets forth substantially the same findings and declarations of policy as the above ordinance, adding recognition of a duty of the Board of Supervisors "...to define and enunciate certain basic matters which will be considered when...redevelopment plans are submitted to the Board of Supervisors for approval and to make recommendations concerning the inclusion of specific provisions in such plans, which will effectuate the general policy of the Board of Supervisors on these basic matters;"

recommends that every redevelopment plan submitted by any person to the Board of Supervisors for approval contain adequate provisions for such controls and regulations, including covenants in deeds, leases, or contracts entered into by the Redevelopment Agency, as will safeguard against discrimination or segregation;

recommends that it be the duty of the Redevelopment Agency to protect the rights and powers granted in such plans for the prevention of discrimination or segregation;

recommends further that such plans require the Agency to utilize conciliation, and persuasion to remedy discriminatory practices; may recourse to injunctions or other abatement proceedings;

declares that the inclusion of the foregoing provisions in such plans will effectuate the general policy of the Board of Supervisors relative to legal discrimination and nonsegregation in community redevelopment projects in the City and County of San Francisco.



MEMORANDUM

ON REDEVELOPMENT WORKS COMMITTEE

From the Board of Directors, Council for Civic Unity of St.

1 May 1954

The Council for Civic Unity of St. Louis has proposed to the Board of Supervisors of the City and County of San Francisco an ordinance and a resolution intended to prevent discrimination or segregation on account of race, color, or ancestry in the use of land to be acquired and sold or leased by the City's Redevelopment Agency under the State Redevelopment Act of 1952.

These measures have the following main provisions:

1. PURPOSE The purpose of this ordinance is to prevent discrimination on account of race, color, or ancestry in the use of land to be acquired and sold or leased by the City's Redevelopment Agency under the State Redevelopment Act of 1952. It is the policy of the City and County of San Francisco to secure for all persons the right to equal housing opportunities and to prevent discrimination on account of race, color, or ancestry in the use of land to be acquired and sold or leased by the City's Redevelopment Agency under the State Redevelopment Act of 1952.

2. SCOPE This ordinance shall apply to all land to be acquired and sold or leased by the City's Redevelopment Agency under the State Redevelopment Act of 1952.

3. DISCRIMINATION No person shall discriminate on account of race, color, or ancestry in the use of land to be acquired and sold or leased by the City's Redevelopment Agency under the State Redevelopment Act of 1952.

4. VIOLATIONS Any person who violates this ordinance shall be guilty of a misdemeanor.

5. ENFORCEMENT This ordinance shall be enforced by the City's Redevelopment Agency.

6. SEVERITY This ordinance shall be severable from any other provisions of the ordinance.

7. EFFECTIVE DATE This ordinance shall take effect on the date of its adoption.

8. AMENDMENTS This ordinance may be amended by the City's Redevelopment Agency.

9. REPEAL Any ordinance or resolution of the City and County of San Francisco that is inconsistent with this ordinance is hereby repealed.

10. COUNCIL ACTION The Council for Civic Unity of St. Louis hereby recommends that the Board of Supervisors of the City and County of San Francisco adopt this ordinance and resolution.

These measures do not vest the Redevelopment Agency with any judicial or legislative functions. The Agency will have, if the resolution's recommendations are followed, the limited power to proceed in a regular local court action to attain its objectives -- if these are not achieved through the required conference and conciliation. Further, neither the Agency nor any public office or board would have the power or right to designate the persons who may purchase or rent housing developed under the Act. This privilege remains in the hands of the owners or lessees of the property -- but it must not be used in a discriminatory manner.

THE COUNCIL'S ORDINANCE* was introduced on October 11, 1948 and referred to the Committee on Public Buildings, Lands, and City Planning of the Board of Supervisors. Initially scheduled hearings before the Committee were postponed several times at the request of the Redevelopment Agency, the public body instituted for and charged with the responsibility for carrying out the San Francisco urban redevelopment program. The Council acceded to the Agency's requests for postponement which were based on its express desire for more time to study the measures and assemble whatever information it considered germane. Finally, the first full hearing on the measures was held on March 9, 1949, at which time the Agency again requested delay, this time for 60 days. The Committee (Supervisor MacPhee, Chairman; Halley; Mead) took the position that the Agency had had sufficient time and referred the ordinance to the full Board with a unanimous "do pass" recommendation. The Committee, however, deferred action on the resolution.

At the next meeting of the Board of Supervisors, on March 14, when the ordinance came up for a vote, the Agency repeated its request for a 60-day continuance. After considerable debate, during which virtually all members of the Board affirmed their strong opposition to discrimination in the city's development program, the continuance was granted by a 7 to 3 vote. The ordinance and resolution will again be heard by Mr. MacPhee's Committee on May 11 at 2:00 PM.

REDEVELOPMENT AGENCY has since issued a report on the question of nondiscrimination and nonsegregation in urban redevelopment. A majority of the Board, through this report, contend that the principle of nondiscrimination

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er revised, as indicated above, to put in resolution form certain provisions which, under the present State law, would probably not be valid in ordinance form. The ordinance and resolution have been reviewed and approved as to legal validity by the City Attorney, the District Attorney, and the City's bond counsel.

These measures do not vest the Redevelopment Agency with any judicial or legislative functions. The Agency will have, if the resolution's recommendations are followed, the limited power to proceed in a regular local court action to attain its objectives -- if these are not achieved through the required conference and consultation. Further, neither the Agency nor any public officer or board would have the power or right to designate the persons who are to be heard or to be heard under the Act. This privilege remains in the hands of the owners or lessees of the property -- but it must not be used in a discriminatory manner.

THE COUNCIL'S ORDINANCE was introduced on October 11, 1968 and referred to the Committee on Public Buildings, Parks, and City Planning of the Board of Supervisors. Initially scheduled hearings before the Committee were postponed several times at the request of the Redevelopment Agency, the public body constituted for and charged with the responsibility for carrying out the San Francisco urban redevelopment program. The Council acceded to the Agency's requests for postponement which were based on its express desire for more time to study the measure and assemble whatever information it considered germane. Finally, the first full hearing on the measure was held on March 9, 1969, at which time the Agency again requested delay, this time for 60 days. The Committee (Superior MacPhee, Chairman; Bailey; Nash) took the position that the Agency had had sufficient time and referred the ordinance to the full Board with a unanimous "no pass" recommendation. The Committee, however, deferred action on the resolution.

At the next meeting of the Board of Supervisors, on March 16, when the ordinance came up for a vote, the Agency requested the postponement for a 60-day continuance. After considerable debate, during which virtually all members of the Board affirmed their strong opposition to discrimination in the city's redevelopment program, the ordinance was granted by a 7 to 3 vote. The measure and resolution will again be heard by Mr. MacPhee's Committee on May 12, 1969.

GOVERNMENT AGENCY has since issued a report on the question of nondiscrimination and housing action in urban redevelopment. A majority of the Board, through this report, contend that the principle of nondiscrimination

is not, as indicated above, to put in resolution form certain provisions which, under the present State law, would probably not be valid in the future. The ordinance and resolution have been reviewed and approved by legal counsel by the City Attorney, the District Attorney, and the Board Counsel.

is desirable but should not be a requirement in redevelopment because this would greatly reduce and probably eliminate future chances for investment of private capital in the rebuilding of our blighted areas. In other words, private investors, says the Agency, will not be interested in putting their money into a building program which is partly subsidized by public funds unless they are free to discriminate.

The Agency's report, it should be noted, was not unanimous. One of its members dissented.

The Agency concluded its report by recommending a resolution of its own which it proposes be substituted for the Council's ordinance and resolution. By this resolution the Board of Supervisors would recommend to the Redevelopment Agency:

1. That it begin immediately finding homes for the families which will be dislocated.
2. That it seek to determine the number of families which may wish to return to the redevelopment area after rebuilding and that the Agency's plans make provision for these families, wherever possible.
3. That it (the Redevelopment Agency) adopt and follow a policy of nondiscrimination in the lease or sale of land in redevelopment areas.
4. That it prepare and make recommendations for preferential financial arrangements to stimulate the development of housing open to all persons without racial or religious restrictions.

Following, in brief, are the Council's observations on the Redevelopment Agency's proposed "substitute" resolution:

Point one of the resolution, pertaining to the finding of homes for dislocated families, is already contained in the basic State law, the Community Redevelopment Act of 1945, under which the Agency operates. Home finding for persons to be displaced is already one of the Agency's responsibilities. The Agency is therefore seeking to make a virtue of a necessity imposed upon it by existing statute.

Point three, concerning nondiscrimination by the Agency itself, is not a question at issue. The Council for Civic Unity has not charged the Redevelopment Agency with discrimination in the conduct of its affairs. Neither has it suggested or implied in any way that such discrimination will occur. One may expect, as the Council does, that the Agency, a public body, will not itself practice discrimination.

A more detailed analysis of the Agency's report may be obtained from the Council upon request.

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1. That it begin immediately finding homes for the families which will be displaced.
2. That it seek to determine the number of families which may wish to return to the redevelopment area after rebuilding and that the Agency's plans make provision for these families, wherever possible.
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4. That it prepare and make recommendations for preferential financial arrangements to stimulate the development of housing open to all persons without racial or religious restrictions.

Following, in brief, are the Council's observations on the Redevelopment Agency's proposed "substitute" resolution:

Point one of the resolution, pertaining to the finding of homes for displaced families, is already contained in the basic State law, the Community Redevelopment Act of 1942, under which the Agency operates. Home finding for displaced families is already one of the Agency's responsibilities. The Agency is therefore seeking to make a virtue of a necessity imposed upon it by existing statute.

Point three, concerning nondiscrimination by the Agency itself, is not a question at issue. The Council for Civic Unity has not charged the Redevelopment Agency with discrimination in the conduct of its efforts. Neither has it suggested or implied in any way that such discrimination will occur. One may expect, as the Council does, that the Agency, a public body, will not itself practice discrimination.

A more detailed analysis of the Agency's report may be obtained from the Council upon request.

The basic objection of the Council for Civic Unity to the Agency's proposed resolution is that it is not a true substitute for the Council measures -- it does not provide realistic safeguards against discrimination. It contains nothing which would prevent the development of the program on a largely discriminatory basis. There is nothing in it which would restrain the Redevelopment Agency from encouraging or approving redevelopment plans known to the Agency as racially exclusive in purpose and policy.

The Council's measures are not subject to this fundamental objection. They provide definite assurance of nondiscrimination in the redevelopment program. They would set forth, if adopted, a clear **statement** of the policy of the City and County of San Francisco with respect to the nondiscriminatory use of land acquired and prepared for redevelopment by the expenditure of public funds and the exercise of public powers. The Redevelopment Agency's resolution deliberately avoids such a statement of policy. Its avoidance, however, does not lessen the City's responsibility to see that such a clear policy statement, coupled with actual safeguards, is made now in order to prevent later misunderstanding, controversy, and even litigation.

WITHIN SEVERAL DAYS of issuance of this memorandum, the Council will complete a comprehensive report covering all important points of disagreement with the Redevelopment Agency's stand. Included in this report will be substantial evidence countering the Agency's claim -- uncritically accepted to date by many sincere people -- that nondiscrimination requirements will frighten away potential private investors. We are still receiving documentation of the Council's view that redevelopment can and will proceed in San Francisco when numerous present obstacles having nothing to do with racial or religious groups are overcome. Copies of this comprehensive report will be available upon request.

tial list of ORGANIZATIONS SUPPORTING the Council-sponsored measures:

American Friends Service Committee,
Northern California Branch
American Jewish Congress,
Northern California Division
Booker T. Washington Community Center
Buchanan Branch, YMCA and YWCA
California Federation for Civic Unity
Cathay Post, American Legion
Chinese American Citizens Alliance

San Francisco Urban League

International Institute
Japanese American Citizens League
Jewish Survey & Bnai Brith Community
Committee
Ministerial Alliance
National Association for the Advance-
ment of Colored People
San Francisco Area Council, American
Veterans Committee

